

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOSAID TECHNOLOGIES, INC.

Plaintiff,

v.

ADOBE SYSTEMS, INC., ALCATEL-
LUCENT USA, INC., INTERNATIONAL
BUSINESS MACHINES CORP., JUNIPER
NETWORKS, INC., RED HAT, INC.,
AND VMWARE, INC.,

Defendants.

C.A. No. 11-698-GMS

**DEFENDANT RED HAT INC.'S MOTION TO DISMISS, IN PART,
COUNT II OF PLAINTIFF'S FIRST AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6) FOR FAILURE TO STATE A CLAIM**

Defendant Red Hat, Inc. ("Red Hat") hereby moves for dismissal, in part, of Count II of Plaintiff MOSAID Technologies, Inc.'s ("MOSAID") First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim. Specifically, Red Hat moves to dismiss those portions of Paragraph 22 of the First Amended Complaint which are directed to inducement of infringement or contributory infringement, and Paragraph (5) of the First Amended Complaint's Prayer for Relief. Red Hat's Motion is based on the reasons outlined in its Opening Brief in Support of its Motion to Dismiss, in Part, Count II of Plaintiff's First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) for Failure to State a Claim, filed contemporaneously herewith, on the pleadings of record in this action, and on such further evidence and argument as the Court may receive prior to its decision on this Motion.

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Dated: December 23, 2011

FISH & RICHARDSON P.C.

By: /s/ Gregory R. Booker

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Gregory R. Booker (#4784)

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